

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen J. Mordfin, AICP, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: January 28, 2014
SUBJECT: BZA Case 18701, 1247 E Street, S.E.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following use variance:

- § 701.1, Uses as a Matter of Right (restaurants not permitted; restaurant use proposed).

Subject to the following conditions:

1. Hours of operation shall be from 7:30 am to 8:00 pm, Monday through Friday, and 9:00 am to 8:00 pm, Saturday and Sunday.
2. Trash cans shall be concealed and not visible from the street, subject to the approval of the Public Space Committee and Historic Preservation Review Board.
3. Deliveries shall be limited to 8:30 am to 5:00 pm, Monday through Friday, and 9:30 am to 2:00 pm Saturdays only.
4. Outdoor seating shall be permitted, subject to approval by the Public Space Committee.
5. No outdoor seating shall be permitted between the entry door on E Street and the fence line of 1245 E Street, S.E.
6. No outdoor music shall be allowed.
7. The boarded up door facing 13th Street shall be reopened, subject to HPO approval.

II. LOCATION AND SITE DESCRIPTION

Address	1247 E Street, S.E.
Legal Description	Square 1019 , Lot 43
Ward	6
Lot Characteristics	Unusually shaped corner lot with no alley access
Zoning	R-4 – row houses, flats and conversions
Existing Development	Two-story mixed use building, with four apartment units and one vacant ground floor space last used as office space. A pass-through from 13 th Street provides vehicular access for off-street parking and other activities by the building's residents.

Historic District	Capitol Hill
Adjacent Properties	North: Across E Street, Watkins Elementary School and Watkins Recreation Center East: Across 13 th Street, row houses West: Row houses South: Row houses, a chiller plant and commercial uses on Pennsylvania Avenue
Surrounding Neighborhood Character	Mixture of residential, institutional and commercial uses

III. APPLICATION IN BRIEF

The applicant proposes to convert a first floor and basement space, originally designed for commercial use and last used as office space, into a restaurant, with seating for 55 to 60 patrons. Seating for an additional 36 to 40 would be provided outside in the warmer months. In addition to coffee and other beverages, the applicant would serve breakfast, including baked goods, and salads, sandwiches and pasta dishes for lunch and dinner. The applicant would also sell specialty food items.

No building construction is proposed.

IV. ZONING REQUIREMENTS and REQUESTED RELIEF

R-4 Zone	Regulation	Existing	Proposed	Relief
Height § 400	40 feet	22 feet	22 feet	None required
Lot Width § 401	40-foot min.	21.77 feet	21.77 feet	None required
Lot Area § 401	4,000 SF min.	3,514 SF	3,514 SF	None required
Floor Area Ratio § 402	None prescribed	--	--	None required
Lot Occupancy § 403	40% max.	60%	60%	None required
Rear Yard § 404	20-foot min.	None	None	None required
Side Yard § 405	None	None	None	None required

V. OFFICE OF PLANNING ANALYSIS

Variance Relief from § 330.1, R-4 General Provisions

i. Exceptional Situation Resulting in a Practical Difficulty

The space within the building proposed to be used as a restaurant was constructed as a grocery store in 1898. It includes large at-grade windows, not designed for privacy, and the cellar has no windows, not conducive to residential use. The space has been used for retail, office space and a private club, and has never been outfitted or adapted for residential use.

ii. No Substantial Detriment to the Public Good

Use of the subject space within this otherwise residential building in an R-4 district for a restaurant should not result in a substantial detriment to the public good, provided there are limitations on the operation of the business.

As the site is located within an R-4 zone, the applicant proposes to limit the hours of operation to 7:30 am to 8:00 pm, Monday through Friday, and 9:00 am to 8:00 pm, Saturday and Sunday. This would ensure that there would be no late night operations that would interfere with residential nature of the neighborhood. In addition, there should be no outdoor music and deliveries limited to between the hours of 8:30 am to 5:00 pm, Monday through Friday, and 9:30 am to 2:00 pm on Saturdays. Any outdoor seating provided should be on the east side of the property only, in the vicinity of the corner of 13th and E, separating it from adjacent residential row houses. To facilitate pedestrian access into and out of the building into the proposed outdoor seating area, the applicant should reopen the previously blocked doorway on the east side of the building to direct activity into that area.

Due to the lack of alley access, refuse for the use would have to be collected from the street. The applicant should store all trash cans to ensure that they are not visible from the street, subject to Historic Preservation Review Board and Public Space Committee approvals.

iii. No Substantial Harm to the Zoning Regulations

There would be no substantial harm to the Zoning Regulations, as the approval of this application would permit the continued use of this nonresidential space for commercial use.

The Historic Preservation Office had no comments on the application.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

No comments were received from other District agencies.

VII. COMMUNITY COMMENTS

Five neighbors submitted letters to the file in support of the application.

ANC 6B, at its regularly scheduled meeting of January 14, 2014, recommended approval of the application.

Attachment: Location Map

